

1 Neal A. Potischman (SBN 254862)  
Serge A. Voronov (SBN 298655)  
2 DAVIS POLK & WARDWELL LLP  
1600 El Camino Real  
3 Menlo Park, California 94025  
Telephone: (650) 752-2000  
4 Facsimile: (650) 752-2111  
Email: neal.potischman@davispolk.com  
5 serge.voronov@davispolk.com

6 *Attorneys for Defendant Tezos Stiftung*

7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 BRUCE MACDONALD, Individually and on )  
Behalf of All Others Similarly Situated, )

12 Plaintiff, )

13 v. )

14 DYNAMIC LEDGER SOLUTIONS, INC., a )  
15 Delaware corporation, TEZOS STIFTUNG, a )  
Swiss Foundation, KATHLEEN BREITMAN, )  
16 an Individual, ARTHUR BREITMAN, an )  
Individual, TIMOTHY COOK DRAPER, an )  
17 individual, DRAPER ASSOCIATES, )  
JOHANN GEVERS, DIEGO PONZ, GUIDO )  
18 SCHMITZ-KRUMMACHER, BITCOIN )  
SUISSE AG, NIKLAS NIKOLAJSSEN and )  
19 DOES 1-100, INCLUSIVE, )

20 Defendants. )  
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Case No. 3:17-cv-07095-RS

**STIPULATION AND [PROPOSED]  
ORDER REGARDING SERVICE ON  
DEFENDANTS RESIDENT OUTSIDE  
THE UNITED STATES (ECF NO. 12)**

1 WHEREAS plaintiff commenced the above-captioned action on December 13, 2017;

2 WHEREAS on December 14, 2017, plaintiff filed an *ex parte* application asking the Court  
3 to approve electronic service of defendants Tezos Stiftung (the “Foundation”), Johann Gevers,  
4 Diego Fernandez, Guido Schmitz-Krummacher, Bitcoin Suisse AG, and Niklas Nikolajsen (ECF  
5 No. 11);

6 WHEREAS on December 14, 2017, the Court entered an Order approving that request (the  
7 “Order”) (ECF No. 12);

8 WHEREAS the undersigned parties have met and conferred regarding the topic of service  
9 and the deadline for the undersigned defendants to answer, move to dismiss, or otherwise respond  
10 to the complaint;

11 WHEREAS in order to avoid motion practice with respect to the Order or the issue of  
12 service more generally, the Foundation, Mr. Gevers, Mr. Fernandez, Bitcoin Suisse AG, and Mr.  
13 Nikolajsen (the “Stipulating Defendants”) have agreed to waive service of the summons and  
14 complaint, and that they will not contest the validity of such waived service;

15 WHEREAS in exchange for the Stipulating Defendants’ agreement to waive service of the  
16 summons and complaint, plaintiff has agreed to join the Stipulating Defendants in requesting that  
17 the Court vacate that portion of the Order that allowed for them to be served electronically;

18 WHEREAS the Stipulating Defendants do not consent to, and in fact contest, the Court’s  
19 exercise of personal jurisdiction over them as well as the propriety of venue of this action;

20 WHEREAS this stipulation has no bearing as to the Court’s Order as it pertains to any other  
21 defendant;

22 NOW, THEREFORE, the undersigned parties hereby request that the Court vacate that  
23 portion of its Order that allowed for the Stipulating Defendants to be served electronically, and  
24 agree that the Stipulating Defendants’ deadline to answer, move to dismiss, or otherwise respond to  
25 the complaint shall be March 6, 2018.

1 Dated: January 5, 2017

Respectfully Submitted,

2 DAVIS POLK & WARDWELL LLP

3  
4 By: /s/ Neal A. Potischman

5 Neal A. Potischman (SBN 254862)

6 Serge A. Voronov (SBN 298655)

7 DAVIS POLK & WARDWELL LLP

8 1600 El Camino Real

9 Menlo Park, California 94025

10 Telephone: (650) 752-2000

11 Facsimile: (650) 752-2111

12 Email: neal.potischman@davispolk.com

13 serge.voronov@davispolk.com

14 *Attorneys for Defendant Tezos Stiftung*

11 Dated: January 5, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

13 By: /s/ Reed R. Kathrein

14 Reed R. Kathrein (139304)

15 Peter E. Borkon (212596)

16 Danielle Charles (291237)

17 715 Hearst Ave., Suite 202

18 Berkeley, CA 94710

19 Telephone: (510) 725-3000

20 Facsimile: (510) 725-3001

21 Email: reed@hbsslaw.com

22 peterb@hbsslaw.com

23 daniellec@hbsslaw.com

16 Jason M. Leviton, *pro hac vice to be submitted*

17 Joel A. Fleming (281264)

18 Jacob A. Walker (271217)

19 BLOCK & LEVITON LLP

20 155 Federal Street, Suite 400

21 Boston, MA 02110

22 Telephone: (617) 398-5600

23 Email: jason@blockesq.com

24 joel@blockesq.com

25 jake@blockesq.com

Steve W. Berman

HAGENS BERMAN SOBOL SHAPIRO LLP

1918 Eighth Avenue, Suite 3300

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

Email: steve@hbsslaw.com

*Attorneys for Plaintiff*

1 Dated: January 5, 2017

BROWN RUDNICK LLP

2  
3 By: /s/ Leo J. Presiado

4 Leo J. Presiado (SBN 166721)  
5 BROWN RUDNICK LLP  
6 2211 Michelson Drive, 7th Floor  
7 Irvine, CA 92612  
8 Telephone: (949) 752-7100  
9 Facsimile: (949) 252-1514  
10 Email: lpresiado@brownrudnick.com

11 -and-

12 Sigmund S. Wissner-Gross (*pro hac vice to be*  
13 *submitted*)  
14 Jessica N. Meyers (*pro hac vice to be submitted*)  
15 BROWN RUDNICK LLP  
16 Seven Times Square  
17 New York, NY 10036  
18 Telephone: (212) 209-4800  
19 Email: swissner-gross@brownrudnick.com  
20 jmeyers@brownrudnick.com

21 *Attorneys for Bitcoin Suisse AG and Niklas*  
22 *Nikolajsen*

23 Dated: January 5, 2017

DIEGO OLIVIER FERNANDEZ PONS

24 By: /s/ Diego Olivier Fernandez Pons

25 Diego Olivier Fernandez Pons

26 *Pro Se*  
27  
28

1 Dated: January 5, 2017

JOHANN GEVERS

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3 By: /s/ Johann Gevers

Johann Gevers

4 *Pro Se*  
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**SIGNATURE ATTESTATION**

Pursuant to Civil L. R. 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Reed R. Kathrein and Leo J. Presiado. For signatories not registered via ECF, I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

Dated: January 5, 2017

/s/ Neal A. Potischman

Neal A. Potischman

**[PROPOSED] ORDER**

In accordance with the stipulation of the parties, the Court vacates the portion of its Order dated December 14, 2017 (ECF No. 12) that allowed for electronic service on defendants Tezos Stiftung, Johann Gevers, Diego Fernandez, Bitcoin Suisse AG, and Niklas Nikolajsen. This Order shall have no bearing on the Court's December 14, 2017 (ECF No. 12) Order as it applies to any other defendant. The foregoing defendants' deadline to answer, move to dismiss, or otherwise respond to the complaint shall be March 6, 2018.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2018, I caused a copy of the Stipulation and [Proposed] Order Regarding Service on Defendants Resident Outside the United States (ECF No. 12) to be mailed via U.S. First Class mail to the following persons and entities:

Leo J. Presiado BROWN RUDNICK LLP 2211 Michelson Drive, 7th Floor Irvine, CA 92612  <i>Attorney for Bitcoin Suisse AG and Niklas Nikolajsen</i>	Sigmund S. Wissner-Gross Jessica N. Meyers BROWN RUDNICK LLP Seven Times Square New York, NY 10036  <i>Attorneys for Bitcoin Suisse AG and Niklas Nikolajsen</i>
Diego Olivier Fernandez Pons c/o Tezos Stiftung Alpenstrasse 9 6300 Zug Switzerland	Johann Gevers c/o Tezos Stiftung Alpenstrasse 9 6300 Zug Switzerland



\_\_\_\_\_  
Felicia Yu